

**AMENDMENTS TO THE CLAIMS**

**This listing of claims will replace all prior versions and listings of claims in the application:**

**LISTING OF CLAIMS:**

1. (Currently amended) An isolated protein comprising the having an amino acid sequence of described in SEQ ID No. 1 in the Sequence Listing and wherein said protein exhibiting a pesticidal activity.

2.-5. (Cancelled)

6. (Currently amended) A noxious organism-controlling agent, comprising a microbe that producesing a protein having thean amino acid sequence of SEQ ID NO: 1 described in SEQ ID No. 1 in the Sequence Listing, wherein said microbe is selected from the group consisting of:

(1-1) Bacillus thuringiensis serovar galleriae SDS502 strain,  
(1-2) a mutant of Bacillus thuringiensis serovar galleriae SDS502 strain thereof, and  
(1-3) a microbe transformed with a polynucleotide comprisingDNA containing a nucleotide sequence encoding a protein comprisinghaving thean amino acid sequence of SEQ ID NO: 1 described in SEQ ID No. 1 in the Sequence Listing, or  
a protein having a pesticidal activity, produced by a microbe selected from the group consisting of:

Amendment under 37 C.F.R. § 1.111  
USSN 10/089,678

(2-1) said~~the above mentioned~~ Bacillus thuringiensis serovar galleriae SDS502 strain,  
(2-2) a~~its~~-mutant of said Bacillus thuringiensis serovar galleriae SDS502 strain, and  
(2-3) a~~transformed~~ microbe transformed with a polynucleotide comprising a nucleotide  
sequence encoding a protein comprising the amino acid sequence of SEQ ID NO: 1.

7.-8. (Cancelled)

9. (Currently amended) A method for controlling a noxious organism, comprising  
feeding~~wherein the protein as claimed in claim 1 or 2 above is fed~~ to a noxious organism a  
protein of claim 1 to protect a plant from a damage caused by said~~the~~ noxious organism.

10. (Currently amended) The method for controlling a noxious organism of~~as~~  
~~claimed in claim 9, wherein~~ said~~the~~ noxious organism is a *Coleoptera* insect ~~and the plant is~~  
~~protected from a damage caused by the noxious organism.~~

11. (Cancelled)